

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) Case No. 06-06016-01-CR-W-FJG
)
)
JHANMAY MOLINA-PEREZ,)
)
)
Defendant.)

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

PENDING CHARGE: Defendant Molina-Perez was originally indicted on September 26, 2006. On March 13, 2007, a Superseding Indictment was filed which added a count to the indictment. Subsequently on June 19, 2007, a Second Superseding Indictment was filed. This indictment added additional charges against defendant Molina-Perez and added defendant Joaquin Gonzalez Gonzalez to two of the four counts of the Indictment. On October 2, 2007, a Fourth Superseding Indictment was filed. This Indictment added defendants Jorge Alberto Texier Delgado, Jose Beritan and Frank Diaz, and added additional charges including capital murder charges.

Defendant Gonzalez entered a plea of guilty on July 16, 2007. Charges were dismissed against Jorge Delgao. Defendants Beritan and Diaz have never been arrested. Counts Two, Three, Six, and Seven of the Fourth Superseding Indictment were dismissed against defendant Molina-Perez. Thus, defendant Molina-Perez is scheduled to begin trial on Counts One, Four and Five on the July 21, 2008 Joint Criminal Jury Trial Docket.

The following matters were discussed and action taken during the pretrial conference:

TRIAL COUNSEL:

Government: Gregg Coonrod/Pat Daley
Case Agent: FBI SA Rick Weiler
Defense: Jeffrey Morris/Kristina Biergensmith

OUTSTANDING MOTIONS:

Defendant's Motion in Limine to Exclude Evidence Related to Firearms with Suggestions in Support (doc #152).
Defendant's Motion in Limine and Renewed Motion Concerning Exclusion of Firearms Evidence (doc #160).

TRIAL WITNESSES:

Government: 20 witnesses with stipulations; 25 without stipulations
Defendants: 5-10 witnesses, defendant may testify

TRIAL EXHIBITS

Government: 80 exhibits, including a videotape, photos and records
Defendant: 30-40 exhibits for defendant

DEFENSES: general denial

POSSIBLE DISPOSITION:

(X) Definitely for trial; () Possibly for trial; () Likely a plea will be worked out

TRIAL TIME: 4 days

Government's case including jury selection: 2-3 days
Defense case: ½-1 day

STIPULATIONS: The parties have reached stipulations as to foundational requirements for the introduction of marijuana and certain business records such as water, phone and property records.

UNUSUAL QUESTIONS OF LAW: None

FILING DEADLINES:

Witness and Exhibit List

Government: Friday before the pretrial conference
Defense: Friday before the pretrial conference
Counsel are requested to list witnesses in alphabetical order on their witness list.

Exhibit Index, Voir Dire, Jury Instructions: Noon, Wednesday, July 16, 2008

Please Note: Jury instructions must comply with Local Rule 51.1

Motion in Limine:

TRIAL SETTING: Criminal jury trial docket commencing July 21, 2008

Please note: Parties request the first week of the docket.

IT IS SO ORDERED.

/s/ *SARAH W. HAYS*
SARAH W. HAYS
UNITED STATES MAGISTRATE JUDGE